

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ROBERT W. JACKSON, III, et al.	:	Civil Action No.
	:	06-cv-300
Plaintiffs,	:	
	:	Judge Sue L. Robinson
vs.	:	
	:	
CARL DANBERG, et al.,	:	
	:	
Defendants.	:	CLASS ACTION

**NOTICE OF FILING OF DISCOVERY**

Please take notice that counsel for Plaintiffs have today filed the following discovery pursuant to the Court's order of June 27, 2008:

Deposition of Warden Thomas Carroll 3/27/07  
 Deposition of Deputy Warden David Pierce 3/28/07  
 Deposition of Deputy Warden Elizabeth Burris 3/28/07  
 Deposition of John Doe II 5/21/07  
**Deposition of Physician 5/23/07 (filed under seal)**  
 Deposition of Former Commissioner Stanley W. Taylor, Jr. 5/24/07  
 Deposition of Commissioner Carl C. Danberg 5/24/07  
 Deposition of John Doe III 5/25/07  
 Deposition of Kenneth R. Wilson 6/4/07  
 Deposition of Jane Doe I 6/5/07  
 Deposition of John Doe I 7/6/07  
 Deposition of Robert W. Jackson, III 8/8/07  
 Deposition of Steven M. Katz, M.D. 8/9/07  
 Deposition of Robert J. Watson 8/10/07  
 Deposition of Mark Dershwitz, M.D., Ph.D. 9/10/07  
 Deposition of Tomas L. Carroll 9/18/07  
 Deposition of Richard Kearney 9/18/07  
 Deposition of Mark J.S. Heath, M.D. 9/22/07  
 Trial Deposition of Mark Dershwitz, M.D., Ph.D. 9/24/07

Plaintiffs' Response to Defendants' First Request for Discovery:

Kostyu, Paul E., "Execution of Joseph Lewis Clark fails to go smoothly," Copley News Service, May 2, 2006

Notice of Appearance of Assistant Federal Defender Billy H. Nolas filed in the United States Supreme Court on March 31, 2006 on behalf of Robert W. Jackson

Documents made public in State v. Deputy, 644 A.2d 411 (Sup. Ct. Del. 1994): Policies and Procedures, Department of Correction, State of Delaware, Number 750, entitled Execution Procedures, with attachments; Affidavit of Henry Risley dated April 14, 1993; Affidavit of Hank Risley dated March 8, 1993; Affidavit of Hank Risely dated March 4, 1993; Election Affidavit of Andre Deputy dated May 24, 1994; Health Care Professional Participation in Capital Punishment Statement from Professional Societies Regarding Disciplinary Action; attachments entitled "Injection Team," "Contents of Syringes," and "Supply Check List."

Inmate Grievance documents filed by and received by Plaintiff Jackson regarding the lethal injection process

Joe Rogalsky, "Date Set for Execution; Ruling in California Case Won't Have Effect," DELAWARE STATE NEWS, May 2, 2006

2000 Report of the AVMA Panel of Euthanasia, 218 J. Am. Veterinary Med. Ass'n 669, 680 (March 1, 2001) ("AVMA Report")

Toxicology reports from Delaware executions by lethal injection  
*A Painful Way to Die?* ABA Journal, April 2006

Complaint, Morales v. Hickman, 5:06-cv-219JF (N.D. California)

On Botched Executions, contained in *Capital Punishment*, Cambridge University Press, 2004.

Respectfully Submitted,

/s/ Michael Wiseman

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Dated: July 18, 2008  
Philadelphia, PA

**Certificate of Service**

I, Michael Wiseman, hereby certify that on this 18<sup>th</sup> day of July, 2008 I served the foregoing upon the following persons by e-mail and United States Mail:

Gregory E. Smith, Esq.  
Elizabeth McFarlan, Esq.  
Marc P. Niedzielski, Esq.  
Office of the Attorney General  
820 North French Street, 6th Floor  
Carvel State Building  
Wilmington, Delaware 19801

/s/ Michael Wiseman

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Michael Wiseman